

REMARKS/ARGUMENTS

In response to the Office Action dated September 14, 2005, claims 1, 3, 9 and 16-17 are amended, claims 2 and 6 are canceled, and claim 20 is added. Claims 1, 3-5, 7-20 are now active in this application.

OBJECTION OF CLAIM 9

Claim 9 is objected to as the Examiner maintains that “the time passed from 10:0 to 0:10” is not clear. By this response, claim is amended to recite:

...wherein the display control section varies the display form in such a manner as to superimpose the road map data image after the traveling direction of the vehicle is changed on that before the traveling direction of the vehicle is changed when the direction of the vehicle is changed to rotate the road map data image and to vary gradually a superimposition ratio of the road map data image after the traveling direction of the vehicle is changed to the road map image data before the road map data image is changed from 10 : 0 to 0 : 10 as the time has passed.

An explanation of the superimposition ratio is provided from page 18, line 29 to page 19, line 19.

It is believed that claim 9, as amended, recites the invention with the degree of precision and particularity required by the statute. Therefore, it is respectfully urged that the objection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1, 2, 4, 5, 7-11 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (EP 0953826).

Claims 3, 12-15 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (EP 0953826) in view of Endo et al. (USPN 5,917,436).

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (EP 0953826) in view of Kadaba et al. (USPN 6,088,649).

II. Legal precedent is well developed with respect to 35 U.S.C. § 103. As stated in *Graham v. John Deere Co.* 383 U.S. 1, 13, 148 USPQ 459, 465 (1966), obviousness under 35 U.S.C. § 103 must be determined by considering (1) the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims in issue; and (3) resolving the level of ordinary skill in the pertinent art. The PTO is thus charged with the initial burden of identifying a source in the applied prior art for: (1) claim features; and (2) the realistic requisite motivation for combining applied references to arrive at the claimed invention with a reasonable expectation of successfully achieving a specific benefit. *Smith Industries Medical Systems v. Vital Signs*, 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999). This burden is not met if there is no showing that the combination of references would actually meet all the limitations of the claims under consideration.

An Office Action rejection must provide a reason why one having ordinary skill in the art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). The Examiner should recognize that even if the prior art *could* be modified so as to result in the combination defined by the claims

the modification would not have been obvious unless the prior art suggested the desirability of the modification. *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986). In the absence of such a prior art suggestion for modification of the references, the basis of the rejection is no more than inappropriate hindsight reconstruction using appellant's claims as a guide. *In re Warner, supra*.

What may or may not be known in general does not establish the requisite realistic motivation to support the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995). The requisite motivation is not an abstract concept, but must stem from the applied prior art as a whole and have realistically impelled one having ordinary skill in the art, at the time the invention was made, to modify a reference in a specific manner to arrive at a specifically claimed invention with a reasonable expectation of achieving a specific benefit. *In re Newell*, 891 F.2d 899, 13 USPQ2d 1248 (Fed. Cir. 1989). It is submitted that the prior art does not meet these criteria for any of the claims under rejection. The question is not what one having ordinary skill in the art could or could not do, but: *why* would one having ordinary skill in the art have been realistically impelled to deviate from the express teachings of the prior art to arrive at the claimed invention? *Gentry Gallery v. Berkline*, 134 F.3d 1473, 45 USPQ2d 1498 (Fed. Cir. 1998); *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

It is submitted that the rationale stated in the Office Action for concluding obviousness is not sufficient to meet the above legal criteria.

An important feature of the present invention is that the clearness is changed between the portion surrounding the vehicle and the other locations during rotation of the road map data

image. In the present office action, the Examiner admits that the above-described important feature of the present invention is not described in Hayashi.

Despite such admission, the Examiner subsequently contends that the above-described important feature of the present invention would have been obvious to a person of ordinary skill in the art from the disclosure of Hayashi “because in fig. 5 Hayashi does teach a displayed map is rotated by 90 degrees in right and left direction, therefore, if the displayed road map data image within the region of the road map data image which is near to the displayed position then the vehicle is present is clearer than the other region of the road map data image which is remote from the displayed position at the vehicle is present (see 0063, 0064).” However, such contention cannot be accepted.

Reference is made to paragraphs [0064], [0087], Fig. 10B, and Fig. 10C of Hayashi. In Hayashi, the character information is **turned on or turned off in the display screen** during rotation of the map to prevent a plurality of character strings and/or symbols from overlapping with one another. However, the meaning of “the displayed road map data image within the region of the road map data image which is near to the displayed position at which the vehicle is present is **clearer** than the other region of the road map data image which is remote from the displayed position at which the vehicle is present” is different from the fact described in Hayashi that the character information is illuminated or extinguished (**turned on or turned off in the display screen**).

The present invention addresses the problem of an afterimage being left in a human’s eyes when the rotation speed becomes fast during rotation of the image, which can be troublesome. To remedy this, during rotation of the image, the display of the remote region from the present position of the vehicle is simplified so that the troublesome afterimage is eliminated.

More particularly, in the present invention, in order that the image of the vehicle surrounding is maintained in the clear state, the road map information surrounding the vehicle, as the reference, is maintained so that the information quantity can be maintained. Hence, the driver will not have to entertain the troublesome afterimage while grasping the required information.

In Hayashi, simply eliminating the character information causes the information quantity to become insufficient and the required information cannot be obtained. Furthermore, since the information, except the numerals, is maintained in Hayashi, the driver feels troubled by the image during rotation and the advantage of the Applicant's invention cannot be exhibited in Hayashi.

As described above, Hayashi and the present invention are fundamentally different from each other, as are their advantages. The teaching in Hayashi that the character information is **turned on or turned off in the display screen** as the map is rotated would not motivate a person of ordinary skill in the art to modify the system of Hayashi and make, during rotation, "the displayed road map data image within the region of the road map data image which is near to the displayed position at which the vehicle is present .. clearer than the other region of the road map data image which is remote from the displayed position at which the vehicle is present", since there is nothing in Hayashi that describes making the region near to the displayed position of the vehicle clearer than the region that is remote from the displayed position of the vehicle. Thus, the only apparent motivation of record for the proposed modification of the system disclosed by Hayashi to arrive at the claimed inventions is found in Applicants' disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987).

Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. §103 is respectfully solicited.

At any rate, to expedite prosecution, claims 2 and 6 are deleted, and claims 1, 3, 16 and 17 are amended.

Amended independent claim 1 now additionally recites:

...
the display apparatus further comprises a clearness adjusting section that adjusts the clearness of the displayed image in terms of at least one of image contrast, brightness, saturation, and focus.

Amended claim 3 now recites:

A display apparatus for an automotive vehicle as claimed in claim 1, wherein the display control section further comprises:

a velocity calculating section that calculates one of a circumferential velocity of at least one given spot of a place on the displayed image screen and an angular velocity thereof on the basis of a turning velocity of the vehicle detected by the present vehicle position measuring section and a display magnification displayed on the image screen of the image display section; and

a display form adjusting section that adjusts a display form of the displayed image screen of the image display section according to a magnitude of at least one of the circumferential velocity and the angular velocity calculated by the velocity calculating section.

Amended independent claim 16 now additionally recites:

... wherein

the displayed position at which the vehicle is present at which the vehicle is present is clearer than the other region of the road map data which is remote from the displayed position at which the vehicle is present, and

the display apparatus further comprises clearness adjusting means for adjusting the clearness of the displayed image in terms of at least one of image contrast, brightness, saturation, and focus.

Finally, amended independent claim 17 now additionally recites:

...
adjusting the clearness of the displayed image in terms of at least one of image contrast, brightness, saturation, and focus.

The additional features now recited in independent claims 1, 16 and 17 are also not disclosed or suggested in Hayashi, Endo et al. or Kadaba et al., considered alone or in combination.

In view of the above, the allowance of claims 1, 3-5 and 7-19, as amended, is respectfully solicited.

NEW CLAIM

New claim 20, depending from amended independent claim 1, is added. Claim 20 delineates that “the display control section differentiate the display form of the displayed road map data image between the region of the road map data image which is near to the displayed position at which the vehicle is present and another region of the road map data image which is remote from the displayed position thereof when rotating the road map data image on the image screen displayed on the image display section.”

As claim 1 is patentable over Hayashi, claim 20 is patentable over Hayashi also and its allowance is respectfully solicited.

CONCLUSION

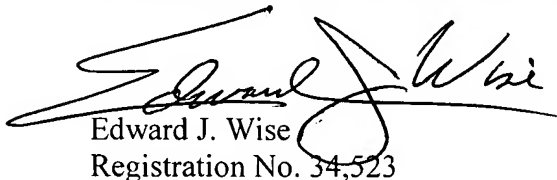
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/070,951

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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